

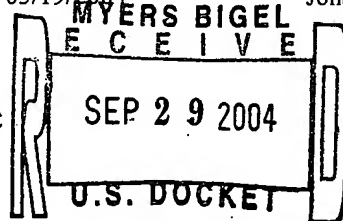


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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/804,331	03/19/2004	Jonathan F. Smith	9368.5

20792
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
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CONFIRMATION NO. 7017
FORMALITIES LETTER



OC000000013895629

Date Mailed: 09/27/2004



NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below **and a newly executed oath or declaration covering the items must** be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)). Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be

submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Replies should be mailed to: Mail Stop Missing Parts
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A copy of this notice MUST be returned with the reply.



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Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Smith et al.

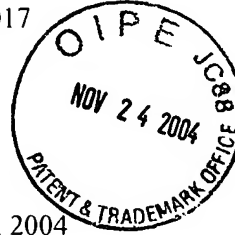
Confirmation No. 7017

Application Serial No.: 10/804,331

Group Art Unit: 1648

Filed: March 19, 2004

For: *Improved Alphavirus Replicons and Helper Constructs*



Date: November 24, 2004

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

Sir:

In response to the Notice of Incomplete Nonprovisional Application filed under 37 CFR 1.53(b), mailed September 27, 2004 regarding the above-referenced patent application, enclosed is:

- 1) an executed Declaration and Power of Attorney document (five pages);
- 2) a copy of the Sequence Listing in computer-readable form (on diskette) and in paper copy (twelve) and a statement asserting that the content of these is the same (one page);
- 3) a copy of the Petition to Grant a Filing Date for a Complete Non-Provisional Application and accompanying documents as filed on November 24, 2004 (seven pages);
- 4) a copy of the Notice; and
- 5) a check in the amount of \$65.00 for the surcharge for filing the Declaration under 37 C.F.R. § 1.16(e).

Applicants respectfully request that the present application be amended to incorporate the Sequence Listing included herewith.

The amount enclosed is believed to be correct. However, the Commissioner is hereby authorized to charge any deficiency or credit any refund to Deposit Account No. 50-0220.

Respectfully submitted,

Mary L. Miller

Registration No. 39,303

USPTO Customer No. 20792

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CERTIFICATE OF EXPRESS MAILING

Express Mail Label No.: EV 473659554 US

Date of Deposit: November 24, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Cathy A. Schetzina